



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/580,536	05/26/2000	Thomas W. McCaslin	BASI.IP2013	9622

7590

04/28/2003

Robert J Ward  
Worsham Forsythe Wooldridge LLP  
Energy Plaza 30th Floor  
1601 Bryan Street  
Dallas, TX 75201-3402

EXAMINER

BARTUSKA, FRANCIS JOHN

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 04/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/580,536

Applicant(s)

MCCASLIN, THOMAS W.

Examiner

F. J. BARTUSKA

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-49 is/are pending in the application.
- 4a) Of the above claim(s) 22-34 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-21 and 35-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13, 15, 18-21, 35-38, 40, 43 and 46-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al, of record, in view of Byford, cited herewith. Harris et al show an automated system and method for matching available equipment to a recipient including an equipment database 32 that includes attributes of the equipment, see col. 6, lines 40-43 and col. 8, lines 1-23, a database manager 33, a database maintenance module that loads the data into the database, an inquiry module 30, an inventory module that updates the data after a match, a transportation module that controls shipping, an installation and removal module that tracks the location history of the equipment, see col. 12, line 63 to col. 13, line 2 and col. 13, lines 30-38. Periodic searching of the database is disclosed in col. 6, line 36 and col. 11, lines

34-44. Harris et al does not disclose a module for tracking the equipment between a plurality of service centers. Byford discloses a system for tracking the location of packages between a plurality of service centers that allows a client to always know the location of a package. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Byford to provide the system of Harris et al with means to track the location of the equipment so that its location is always known.

Claims 14 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al in view of Byford as applied to claim 1 above and further in view of Ruffolo et al. Harris et al show all the features of the applicant's claimed invention except the equipment being a transformer. Ruffolo et al disclose an inventory tracking system for transformers; see col. 1, line 22. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Ruffolo et al to include transformers in the equipment that is tracked in the system of Harris et al.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al in view of Byford as applied to claim 1 above. Byford disclose an inventory tracking system including a bar code scanner to enter data, see col. 2, lines 34-38. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Byford to provide the system of Harris et al with a bar code scanner to enter data into the database.

Claims 41 and 42 rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al in view of Byford and Ruffolo et al as applied to claim 14 above. Further, merely calling for the equipment to be capacitors or switch gear would have been obvious to one of ordinary skill in the art in view of the electrical gear disclosed in Ruffolo et al.

Claims 44 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al in view of Byford as applied to claim 1 above in further view of Dietrich et al, cited herewith. Harris et al, as modified by Byford, disclose all the features of the applicant's claimed invention except the driver planning information. Dietrich et al disclose in col. 6, lines 25-60 driver planning information to efficiently deliver

packages. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Dietrich et al to provide the system of Harris et al with driver planning information to efficiently deliver the equipment.

Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harris et al in view of Byford as applied to claim 1 above. Further, merely calling for shipped equipment to include shipping weight, shipment time and bill of lading information involves only notorious expedients to one of ordinary skill in the shipping art.

***Election/Restrictions***

1. Claims 22-34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 6.

***Specification***

2. The disclosure is objected to because of the following informalities:

An appendix is included as Exhibit A, but it has not been described in the specification.

Appropriate correction is required.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. J. BARTUSKA whose telephone number is 703-308-1111. The examiner can normally be reached on MONDAY-FRIDAY (ALTERNATE FRIDAYS OFF).

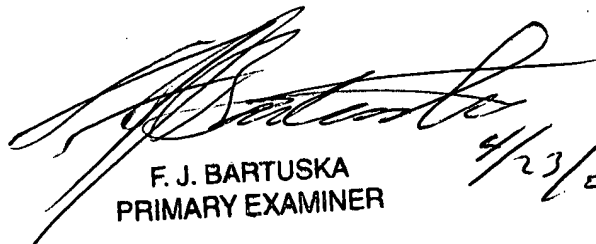
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT P. OLSZEWSKI or the currently acting supervisor, can be reached on 703-308-1113. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Application/Control Number: 09/580,536  
Art Unit: 3627

Page 7

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

fjb  
April 23, 2003

  
F. J. BARTUSKA  
PRIMARY EXAMINER  
4/23/03